IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 19467 of 2005(P)

OS.1662/2002 of PRL.M.C.,ERNAKULAM
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PETITIONER:

DR.PRIYA SUNIL, D/O.LATE SRI.
C.V.RAMACHADNRAN NAIR, RESIDING AT TC 27/991(3),
MEENAKSHY, VANCHIYOOR P.O. THIRUVANANTHAPURAM.

BY ADV. SRI.T.M.CHANDRAN
SRI.V.AJAKUMAR

RESPONDENTS:
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1. M/S.RADHAKRISHNAN & BROS, A PARTNERSHIP HAVING REGISTERED, OFFICE AT TC 535, SREEKANDESWARAM WARD, THIRUVANANTHAPURAM 23, REPRESENTED BY ITS PARTNER D.RADHAKRISHNAN.

2. D.RADHAKRISHNAN, S/O.DAMODARAN, PARTNER, M/S.RADHAKRISHNAN &BROS, REETHA BHAVAN, TC.NO.C.11/250, R.K.V.ROAD, THIRUVANANTHAPURAM 695 033.

3. D.RETNA KUMAR, S/O.DAMODARAN PARTNER, M/S.RADHAKRISHNAN & BROS. REETHA BHAVAN, TC NO.C 1/250, R.K.V.ROAD, THIRUVANANTHAPURAM 33.

4. BHARATH PETROLEUM CORPORATION LTD., MUMBAI, REPRSENTED BY ITS TERRITORY MANAGER, TERRITORY AND RETAIL OFFICE, IRIMPANAM P.O. KOCHI 682 309.

5. THE TERRITORY MANAGER(RETAIL), BHARATH PETROLEUM CORPORATION LTD., TERRITORY AND RETAIL OFFICE, IRIMPANAM P.O. KOCHI 682 309.

6. THE SALES OFFICER, BHARATH PETROLEUM CORPORATION LTD., OFFICE OF THE BHARATH PETROLEUM CORPORATION LTD., KOLLAM.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, BPC
SRI.SHAJI P.CHALY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 19467 OF 2005

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF IA 6937 OF 2005 IN OS NO.1662 OF 2002 ON THE FILE OF MUNSIFF COURT, ERNAKULAM.

EXT.P2 : TRUE COPY OF THE ORDER DT.06.01.05 IN CMC 40 OF 2003 ON THE FILE OF THIS HON'BLE COURT.

/TRUE COPY/

PA TO JUDGE.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 19467 OF 2005

Dated this the 17th day of August, 2007

JUDGMENT

Heard Sri.T.M.Chandran, learned counsel for the petitioner and Sri.S.P. Chally, counsel for the respondent. I do not propose to go into the merits of the matter. But, it is seen that Ext.P1 petition invoking Section 10 of the Code of Civil Procedure and seeking stay of trial is pending before the First Additional Munsiff's Court, Ernakulam. I dispose of the Writ Petition directing the learned First additional Munsiff, Ernakulam to take up Ext.P1, hear both sides and dispose of Ext.P1 in accordance with law at the earliest and at any rate within three weeks of the petitioner producing a copy of this judgment before the learned Munsiff.

PIUS C. KURIAKOSE, JUDGE

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